

Attorney Docket No. SWIM-018/01US (NEW)  
0101457 (OLD)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of **David A. ARIAS**Serial No.: **10/817,293**Examiner: **Miller, Bena B.**Confirmation No.: **2303**Art Unit: **3712**Filed: **April 2, 2004**For: **AQUATIC TOYS**

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S.  
Customer Window, Mail StopAmendment  
Crystal Plaza Two, Lobby, Room 1B03  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(c)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.  
§§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08A is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☒ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98 because this application was filed after June 30, 2003.
- ☐ Publication(s) \_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_ application serial no. \_\_\_ and mailed on \_\_\_.

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_\_ cited in the attached Form PTO/SB/08A.
- ☒ Enclosed is a copy of pending patent Application Serial No. 10/776,981 filed February 11, 2004.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- ☒ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☐ Statement as specified in 37 C.F.R. §1.97(e):
  - ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
  - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

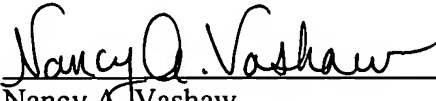
Attorney Docket No. SWIM-018/01US (NEW)  
0101457 (OLD)  
Serial No. 10/817,293  
Page 3

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: October 12, 2004

Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

Respectfully submitted,  
**COOLEY GODWARD LLP**

By:   
Nancy A. Vashaw  
Reg. No. 50,501



Attorney Docket No. **SWIM-018/01US (NEW)**  
**0101457 (OLD)**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of **David A. ARIAS**

Serial No.: **10/817,293**

Examiner: **Miller, Bena B.**

Confirmation No.: **2303**

Art Unit: **3712**

Filed: **April 2, 2004**

For: **AQUATIC TOYS**

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**TRANSMITTAL OF DOCUMENTS**

Enclosed are the following documents for the above-identified application:

- ☒ Revocation and New Power by Assignee;
- ☒ Request for Change of Docket Number;
- ☒ Request for Official Filing Receipt;
- ☐ Reply and Amendment Under 37 C.F.R. §1.111; and
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes with (2) sheets of Drawings with requested changed indicated in red
- ☒ Information Disclosure Statement Transmittal;
- ☒ Information Disclosure Statement;
- ☒ PTO/SB/08 with a copy of 1 cited reference;
- ☐ Notice of Appeal
- ☐ Associate Power
- ☐ Change of Address
- ☒ Return receipt postcard; and
- ☒ Check in the amount of \$180.00 for the total fee as calculated below.
- ☐ Other:

The fee has been calculated as follows:

	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY FILED	EXTRA CLAIMS	RATE	FEE
Total Claims				x\$18.00	\$0.00
Independent Claims				x\$86.00	\$0.00
If multiple dependent claims are presented, add \$290.00					
Total Amendment Fee					\$0.00
If small entity status is applicable, subtract 50% of Total Amendment Fee					
Other fees: <b>Information Disclosure Fee</b>					<b>\$180.00</b>
<b>TOTAL FEE DUE</b>					<b>\$180.00</b>

☒ **A check for the total fee is attached.**

☐ Please charge \$ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: October 12, 2004

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ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
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Fax: (703) 456-8100

Respectfully submitted,  
**COOLEY GODWARD LLP**

By: Nancy A. Vashaw  
Nancy A. Vashaw  
Reg. No. 50,501

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form ~~LIB-1~~ TO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet	1	of	2
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**Complete if Known**

Application Number	10/817.293
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Filing Date	April 2, 2004
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First Named Inventor	David A. ARIAS
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Art Unit	3712
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Examiner Name	Miller, Bena B.
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Attorney Docket Number	SWIM-018-01US
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## U.S. PATENT DOCUMENTS

CITED PATENT DOCUMENTS					
Examiner	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		D429,310	08-2000	Diliberti	
		954,544	04-1910	Sanford	
		2,932,916	04-1960	Strickland	
		3,095,197	06-1963	Weitzman	
		3,332,166	07-1967	Alexander	
		3,897,647	08-1975	Black	
		4,515,572	05-1985	Emms	
		4,744,565	05-1988	Newberger	
		5,096,453	03-1992	Van Meter	
		5,141,440	08-1992	Wallingford	
		5,329,714	07-1994	Lee	
		5,538,454	07-1996	Kessler	
		5,603,176	02-1997	Eddins et al.	
		5,722,871	03-1998	Zamir	
		6,332,822	12-2001	Greenberg et al.	
		6,511,074	01-2003	Fireman	
		6,641,787	11-2003	Siggins	
		6,699,535	03-2004	Boschert	

[illegible]

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.



(2 of 2)

PTO/SB/08A (10-01)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **2** of **2**

### Complete if Known

Application Number	10/817,293
Filing Date	April 2, 2004
First Named Inventor	David A. ARIAS
Art Unit	3712
Examiner Name	Miller, Bena B.
Attorney Docket Number	SWIM-018-01US

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
		Copending application of David A. Arias, Serial No. 10/776,981, dated February 11, 2004.	

Examiner  
Signature

Date  
Considered

<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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